

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

Plaintiff,

v.

RAYMOND ASSELIN SR., et al.

Defendants

CRIMINAL ACTION No. 04-30033-MAP

DEFENDANT MARIA SERRAZINA'S MOTION TO SEVER

Now comes the defendant Maria Serrazina, pursuant to Fed. R. Crim. P. 14, and moves this Court to: (a) sever certain co-defendant(s) from her trial on Count 103, (b) sever Counts 1, 2, 3, 14, 15, 20, 24, 27, 55, 62, 70, 71, 80-82, and 108-112, which center on racketeering charges in which Ms. Serrazina was not involved from her trial, and (c) sever her trial from that of her co-defendants on the remaining counts.

As grounds for this motion the defendant states that:

1. Essential exculpatory evidence is only available to Ms. Serrazina if she is tried on Count 103 without co-defendant(s) who would testify on her behalf if tried separately.

2. Ms. Serrazina should not be tried with co-defendants Raymond Asselin Sr., Arthur Sotirion, Peter Davis, John Spano, and Paul Bannick because the nature of the charges against her are different in kind and magnitude from the charges against those defendants.


3. Ms. Serrazina is charged with only five of the 122 counts. If she is tried with the remaining co-defendants, the threat of spillover prejudice from evidence inadmissible against her alone will prevent her from receiving a fair and impartial verdict.

4. Judicial efficiency will be best served by conducting smaller trials with fewer defendants.

Maria Serrazina's memorandum in support of this motion to sever and the affidavit(s) filed under seal are incorporated herein.


Respectfully submitted,  
The defendant Maria Serrazina,  
By her attorney,

Dated: December 23, 2005

  
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Thomas Lesser, BBO No. 295000  
Lesser, Newman, Souweine & Nasser  
39 Main Street  
Northampton, MA 01060  
413-584-7331

#### CERTIFICATE OF SERVICE

I, Thomas Lesser, hereby certify that on December 23, 2005, I served a copy of the foregoing document on all counsel of record and counsel for the government by mailing, first class, postage prepaid to all counsel of record and William Welch, Esq., Assistant United States Attorney, Federal Building and Courthouse, 1550 Main Street, Springfield, MA 01103-1422.

  
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Thomas Lesser

Serrazina\Motion to Sever  
12/23/05